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1 2 3 4 5 6 7 8 9	Devin Fok (SBN #256599) devin@devinfoklaw.com Joshua E. Kim (SBN #257260) joshua@devinfoklaw.com DHF Law, PC 2304 Huntington Drive, Suite 210 San Marino, CA 91108 Ph: (888) 651-6411 Fax: (818) 484-2023 Attorneys for Plaintiff UNITED STATES DISTR NORTHERN DISTRICT SAN FRANCISC	CT OF CALIFORNIA
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12	MECHAUN SCOTT, individually,	Case No.:
13	Plaintiff(s),	COMPLAINT FOR DAMAGES and DEMAND FOR JURY TRIAL
14	VS.	DEWEND TORGERT TREE
15	THOMSON REUTERS CORPORATION;	
16	SMARTBIZ BANK, N.A., and DOES 1-10 inclusive,	
17	Defendant(s).	
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23	COMPLAINT	
4	Plaintiff MEACHUN SCOTT (hereafter "Plaintiff") files her Complaint for	
25	Damages and Demand for a Jury Trial against Defendants THOMSON REUTERS	
.6	CORPORATION, SMARTBIZ BANK, N.A., and DOES 1-10 inclusive (hereinafter	
.0	collectively as "Defendants"), and alleges as follows:	
28	NATURE OF THE ACTION	
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	COMPLAINT FOR DAMAGES and DEMAND FOR JURY TRIAL	

- 1. Defendant Thomson Reuters Corporation. ("Defendant") is a company that provides background screening services, including but not limited to criminal background checks and credit checks to various entities.
- 2. On or about May 11, 2023, Plaintiff was denied a business loan by Defendant SmartBiz Bank, N.A. ("SmartBiz") on the basis of expunged criminal history information and a public record of civil judgment against Plaintiff.
- 3. Plaintiff was informed that the information was supplied by Thomson Reuters Clears.
- 4. SmartBiz did not provide Plaintiff with the address and telephone number of Defendant or a written notice of Plaintiff's right to obtain a free copy of her report from, and to dispute the accuracy of the information on the report with, Defendant.
- 5. On or about August 8, 2023, Plaintiff sent Defendant a request for her full file.
 - 6. Defendant has never responded to Plaintiff's file request.
- 7. To date, Plaintiff does not have a copy of the complete background screening report sold by Defendant.

THE PARTIES

- 8. Plaintiff is an individual and resident of Tennessee.
- 9. Defendant is a consumer reporting agency within the meaning of the Fair Reporting Agencies Act ("FCRA" 15 U.S.C. §1681 *et seq.*) 15 U.S.C. §1681a(f), and it is a routine seller of consumer reports within the meaning of 15 U.S.C. §1681a(d).
 - 10. Defendant Thomson Reuters' headquarters are located in Ontario, Canada.
- 11. SmartBiz is headquartered at 50 Francisco Street, Suite 205, San Francisco, CA 94133.
- 12. Plaintiff is ignorant of the Defendants sued herein as DOES 1-10, inclusive, and therefore sues those Defendants by such capacities when such information is ascertained through discovery.

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13. Plaintiff is informed and believes and thereon alleges that each of the DOES 1-10 Defendants is responsible in some manner for the occurrences herein alleged and that Plaintiff's damages as herein alleged were proximately caused by such occurrences.

FIRST CAUSE OF ACTION

(Violation of 15 U.S.C. §1681e(b) against Thomson Reuters and DOES 1-10)

- 14. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.
- 15. Defendant willfully and violated the above-referenced sections of the FCRA by disclosing erroneous information.
- 16. Defendant's conduct was willful because it knew that its disclosure of erroneous information is insufficient to assure maximum possible accuracy of the criminal history reported.
- 17. Plaintiff is informed and believes and thereon alleges Defendant failed to use reasonable procedures to ensure the maximum possible accuracy of the information reported. Specifically, Defendant disclosed expunged criminal record information, rendering the report inaccurate and outdated.
- 18. Defendant's violations entitle Plaintiff to damages pursuant to 15 U.S.C. §§1681n, 1681o including but not limited to actual and/or punitive damages, emotional distress, damage to reputation and attorney's fees and costs.
 - 19. Alternatively, Plaintiff alleges that Defendant's conduct was negligent.

SECOND CAUSE OF ACTION

(Violation of 15 U.S.C. §1681g against Thomson Reuters and DOES 1-10)

- 20. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.
- 21. Defendant willfully violated the above referenced statutory requirements by failing to provide Plaintiff with her full file and other information as required by statute.

- 22. Plaintiff requested her full file via USPS mailed to Defendant's headquarters.
 - 23. Plaintiff has not received a copy of her full file to date.
- 24. Defendant's willful and/or reckless violation of the statute entitles Plaintiff to actual damages, attorney's fees as well as statutory penalties.
 - 25. Alternatively, Plaintiff alleges that Defendant's conduct was negligent.

THIRD CAUSE OF ACTION

(Violation of 15 U.S.C. §1691(a) against SmartBiz Bank and DOES 1-10)

- 26. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.
- 27. The Equal Credit Opportunity Act (ECOA) prohibits "discrimination against any applicant, with respect to any aspect of a credit transaction, on the basis of race." 15 U.S.C. §1691(a).
- 28. Because African Americans are arrested, charged, convicted, and sentenced disproportionately compared to other races, use of criminal history information in making credit decisions necessarily has an adverse impact on African Americans.
- 29. SmartBiz's denial of Plaintiff's business loan application on the basis of her criminal history information adversely impacted her on the basis of her race.
- 30. SmartBiz violated the above referenced statute by denying Plaintiff's business loan application on the basis of her race.
- 31. Pursuant to 15 U.S.C. §1691e, SmartBiz is liable to Plaintiff for actual damages, punitive damages up to \$10,000, costs, and reasonable attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

a. For a declaration that Defendants' practices violate FCRA and/or ECOA;

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